

HOUSE BILL No. 1665

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-9-34.

Synopsis: Lake County food and beverage tax. Authorizes Lake County to impose a food and beverage tax to fund a regional transportation authority.

Effective: July 1, 2003.

**Aguilera, Kuzman, Dobis, Brown C,
Harris, Stevenson, Lawson L**

January 21, 2003, read first time and referred to Committee on Ways and Means.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1665

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-9-34 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]:
4 **Chapter 34. Lake County Food and Beverage Tax**
5 **Sec. 1. This chapter applies to a county having a population of**
6 **more than four hundred thousand (400,000) but less than seven**
7 **hundred thousand (700,000).**
8 **Sec. 2. The definitions in IC 6-9-12-1 apply throughout this**
9 **chapter.**
10 **Sec. 3. (a) The fiscal body of the county may adopt an ordinance**
11 **to impose an excise tax, known as the county food and beverage**
12 **tax, on those transactions described in section 4 of this chapter.**
13 **(b) If a fiscal body adopts an ordinance under subsection (a), it**
14 **shall immediately send a certified copy of the ordinance to the**
15 **commissioner of the department of state revenue.**
16 **(c) If a fiscal body adopts an ordinance under subsection (a), the**
17 **county food and beverage tax applies to transactions that occur**



1 after the last day of the month that succeeds the month in which
2 the ordinance was adopted.

3 Sec. 4. (a) Except as provided in subsection (c), a tax imposed
4 under section 3 of this chapter applies to any transaction in which
5 food or beverage is furnished, prepared, or served:

6 (1) for consumption at a location or on equipment provided by
7 a retail merchant;

8 (2) in the county in which the tax is imposed; and

9 (3) by a retail merchant for consideration.

10 (b) Transactions described in subsection (a)(1) include
11 transactions in which food or beverage is:

12 (1) served by a retail merchant off the merchant's premises;

13 (2) sold by a retail merchant who ordinarily bags, wraps, or
14 packages the food or beverage for immediate consumption on
15 or near the retail merchant's premises, including food or
16 beverage sold on a "take out" or "to go" basis; or

17 (3) sold by a street vendor.

18 (c) The county food and beverage tax does not apply to the
19 furnishing, preparing, or serving of any food or beverage in a
20 transaction that is exempt, or to the extent exempt, from the state
21 gross retail tax imposed by IC 6-2.5.

22 Sec. 5. The county food and beverage tax imposed on a food or
23 beverage transaction described in section 4 of this chapter equals
24 one percent (1%) of the gross retail income received by the
25 merchant from the transaction. For purposes of this chapter, the
26 gross retail income received by the retail merchant from such a
27 transaction does not include the amount of tax imposed on the
28 transaction under IC 6-2.5.

29 Sec. 6. The tax that may be imposed under this chapter shall be
30 imposed, paid, and collected in the same manner that the state
31 gross retail tax is imposed, paid, and collected under IC 6-2.5.
32 However, the return to be filed for the payment of the tax may be
33 made on separate returns or may be combined with the return filed
34 for the payment of the state gross retail tax, as prescribed by the
35 department of state revenue.

36 Sec. 7. The amounts received from the tax imposed under this
37 chapter shall be paid monthly by the treasurer of state to the
38 regional transportation authority established in the county under
39 IC 36-9-3 upon warrants issued by the auditor of state.

40 Sec. 8. (a) If a tax is imposed under section 3 of this chapter, the
41 regional transportation authority shall establish a food and
42 beverage tax receipts fund.



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1 **(b) The authority shall deposit in this fund all amounts received**
2 **under this chapter.**

3 **(c) Any money earned from the investment of money in the fund**
4 **becomes a part of the fund.**

5 **(d) Money in this fund shall be used by the authority solely to**
6 **finance, construct, improve, equip, operate, maintain, and promote**
7 **public transportation within the jurisdiction of the authority.**

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